

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Lori Osborne,
Plaintiff
v.
The City of Henderson Police Department, et
al.,
Defendants

2:15-cv-02479-JAD-PAL

Order Denying Motions to Dismiss as Moot in Light of Amended Complaint

[ECF 5, 9]

This civil-rights action arises from the 2013 death of Roy Osborne in the Henderson Detention Center. Defendants Corizon Correctional Healthcare and the City of Henderson Police Department responded to the complaint with motions to dismiss,¹ which are set for hearing on April 18, 2016.² Plaintiff then filed an amended complaint,³ and the same defendants filed new motions to dismiss the amended complaint.⁴

“It is well-established in our circuit that an ‘amended complaint supersedes the original’” and moots any motion to dismiss claims in the original complaint.⁵ Because plaintiff’s amended complaint mooted Corizon’s and the HPD’s original motions to dismiss, I deny both of them [ECF 5, 9] as moot and without prejudice.

Accordingly, IT IS HEREBY ORDERED that Defendant Corizon Correctional Healthcare's Motion to Dismiss [ECF 5] and the City of Henderson Police Department's Motion to Dismiss [ECF 9] are DENIED as moot and without prejudice. I will hear the

¹ ECF 5, 9.

2 ECF 13.

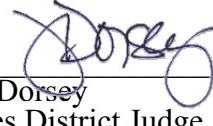
³ ECF 20

4 ECE 21 22

⁵ *Ramirez v. Cty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir. 2015) (quoting *Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997) (internal citation omitted)).

1 new motions to dismiss [ECF 21, 22] at the scheduled April 18, 2016, hearing.

2 Dated this 1st day of March, 2016

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4 Jennifer A. Dorsey
United States District Judge

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